

REMARKS

This Amendment adds new claim 35, cancels claims 19, 27, 28, 30, 33, and 34, and amends claims 17, 18, 20 and 21. The "second binder reactive with the proMBP subunit" feature of claims 17 and 18 is supported by page 13, lines 9-21, while the non-competitive sandwich assay feature of these claims is taken from canceled claims 19 and 33. The amendments to claims 20 and 21 merely change their dependency. New claim 35 combines the features of claims 27, 28, 22, 17, and 18. Claims 17, 18, 20-22 and 35 are pending.

Examiner Grun is thanked for indicating the allowability of claim 22, if rewritten in independent form to include all the limitations of the base claim and any intervening claims. It is believed this Amendment places the entire application in condition for allowance for the reasons set forth below.

Examiner Grun is also thanked for the courtesies extended to the undersigned in a telephonic interview held June 28, 2010. A proposed Amendment was discussed during the interview. The Examiner indicated the proposed claim changes, together with additional changes to claims 20 and 21, would overcome all of the rejections except for an anticipation rejection of claims 27 and

28. This Amendment is based on the proposed Amendment, and cancels claims 27 and 28.

Entry of this Amendment is earnestly requested, as it is believed (1) to place the application in condition for allowance, (2) not to raise any new issue or require further search, (3) to be directly responsive to both the Official Action and the telephonic interview, and (4) to place in the application in even better form for appeal, should such appeal be necessary.

This Amendment overcomes the 35 U.S.C. § 112, first paragraph, rejection of claims 17-21, 27, 28, 30, 33 and 34, and corresponding objection to the specification. Claims 17, 18, and new claim 35 have been amended/drafted to specify the second binder is "reactive with the proMBP subunit of the PAPP-A/proMBP-complex". Reconsideration and withdrawal of the 35 U.S.C. § 112, first paragraph, rejection of claims 17-21, 27, 28, 30, 33 and 34 are requested.

The cancellation of claims 27, 28, 20, 33, and 24 moots the 35 U.S.C. § 112, second paragraph, rejection of those claims. New claim 35 has been drafted in accordance with the Examiner's helpful suggestions. Reconsideration and withdrawal of the indefiniteness

rejection of claims 27, 28, 30, 33 and 34 are respectfully requested.

The cancellation of claims 27 and 28 moots the 35 U.S.C. § 102(b) rejection of those claims over U.S. Patent No. 6,500,630 to Conover et al.

It is believed this application is in condition for allowance. Reconsideration and withdrawal of all rejections of claims 17-21, 27, 28, 30, 33 and 34, and issuance of a Notice of Allowance directed to claims 17, 18, 20-22 and 35, are respectfully requested. The Examiner is urged to telephone the undersigned should he believe any further action is required for allowance.

The extension fee is being paid electronically today. It is not believed any additional fee is required for entry and consideration of this Amendment. Nevertheless, the Commissioner is

U.S. Patent Appln. S.N. 10/580,329
AMENDMENT AFTER FINAL REJECTION

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authorized to charge Deposit Account No. 50-1258 in the amount of
any such required fee.

Respectfully submitted,

/James C. Lydon/

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Enclosure:
Petition for Extension of Time